

December 6, 2022

RECEIVED

Amy Haugen
Administrative Services
ND Public Service Commission
600 E Boulevard Ave., Dept 408
Bismarck, ND 58505-0480

DEC 12 2022

**NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

Re: Project Code: PU-22-380, Basin Electric Pioneer Generation Station Ph IV Siting Application
in Williams County

Dear Ms. Haugen:

The North Dakota Department of Environmental Quality has reviewed the information concerning the above-referenced project received at the department on December 1, 2022 with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
2. Projects disturbing one or more acres are required to have a permit to discharge stormwater runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the stormwater permit may be obtained from the department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local stormwater management considerations are addressed.

The North Dakota Pollutant Discharge Elimination System permit for this facility is ND0026654 and may need to be updated due to the expansion.

3. The proposed project appears to have the potential to be a source of emissions to the air capable of causing or contributing to air pollution and may be required to have an Air Pollution Control Permit to Construct/Operate as required by Chapter 33.1-15-14 of the North Dakota Air Pollution Control Rules. The applicant should contact the department's Air Pollution Control Program at 701-328-5188 prior to commencing construction.

4. All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the department's Division of Waste Management at (701) 328-5166.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,



L. David Glatt, P.E., Director
North Dakota Department of Environmental Quality

LDG:csc
Attach.

INTER

North Dakota
Department of Health

OFFICE

MEMO

TO: Consulting Engineers and City Officials

FROM: Terry L. O'Clair, PE, Director *TLO*
Division of Air Quality

David J. Bruschwein, PE, Director *DJB*
Division of Municipal Facilities

Charles R. Hyatt, Director *CRH*
Division of Waste Management

RE: Removal or Abandonment In-Place of Asbestos Cement Pipe

DATE: August 13, 2018

Overview

The North Dakota Department of Health - **Division of Air Quality** regulates the removal, handling and disposal of regulated asbestos-containing materials during renovation, abatement and demolition activities pursuant to North Dakota Administrative Code (NDAC) 33-15-13-02 Emissions Standards for Asbestos.

The department's **Division of Waste Management** - Solid Waste Program regulates waste disposal activities including the disposal of asbestos waste into landfills pursuant to NDAC 33-20 Solid Waste Management Rules.

Any asbestos material that contains more than 1 percent asbestos is regulated if, when dry, it can be crumbled, pulverized or reduced to powder by normal hand pressure (defined as friable). Asbestos cement pipe (ACP) is generally considered non-friable asbestos-containing material (ACM); however, in certain circumstances it can be or become friable.

Removal

When removing ACP, it is important to handle the pipe in a manner that will minimize the risk of making it friable or releasing dust that contains asbestos fibers into the environment. Before removal work begins, a North Dakota-certified asbestos inspector must be consulted to determine if the ACP material is friable or non-friable. Whenever mechanical tools are used in the removal or the material has been classified as friable, the ACP is deemed regulated, and a North Dakota-certified asbestos supervisor must be on site during work activities.

Notification

The owner/operator must notify the Division of Air Quality - Asbestos Program by completing and submitting a *Notification of Demolition and Renovation* form at least 10 working days prior to removing, cutting or damaging any ACP. The form can be found at <https://deq.nd.gov/forms/AQ/asbestos/SFN17987.pdf>.

Certified Asbestos Supervisor/Inspector

A list of current North Dakota-certified asbestos inspector and supervisor contractors can be found at <https://deq.nd.gov/AQ/PDFs/Documents/Asbestos/AsbestosContractors.pdf>.

Pipe Cutting

Cutting ACP using mechanical tools will result in an asbestos fiber release, and a North Dakota-certified asbestos supervisor is required to be on site during all work activities. This ensures that the material is handled and disposed of properly. Cutting non-friable ACP with hand tools where the pipe is kept in a predominantly whole condition (not rendered friable) is not regulated. Any time the use of hand tools makes the material crumble, pulverizes it or reduces it to a powder, then the work activity becomes regulated. The ACP must be kept wet during all types of pipe cutting/removal to minimize asbestos fiber release.

Disposal

Asbestos-containing waste material, including ACP that is removed, must be disposed of at an approved landfill and is prohibited from being recycled. Any regulated asbestos-containing waste must be wet during removal so there are no visible dust emissions. The waste also must be bagged and labeled with asbestos warning labels that are visible to the naked eye. The asbestos waste must be stored in a restricted area, disposal records must be kept, waste manifest records must be maintained, and a copy of all records must be sent to the Division of Air Quality within 30 days. A copy of the *Asbestos Waste Manifest Form* can be found at <https://deq.nd.gov/forms/AQ/asbestos/SFN58174.pdf>.

Ownership and Responsibility of Asbestos-Containing Waste

The city and contractor maintain ownership of the asbestos-containing waste material from removal to disposal.

Abandonment

The abandonment of ACP in-place is acceptable if it is not actively crushed, crumbled, pulverized or otherwise damaged during abandonment activities. The crushing or bursting of ACP is not permitted.

Public Right-of-Way

Abandonment of ACP in the right-of-way requires the owner/operator to keep information on record for as long as the ACP remains in the ground. If the right-of-way is relinquished or abandoned, a *Notice of Waste Disposal* must be filed with the County Recorder's office, and a copy of the *Notice of Waste Disposal* must be submitted to the Division of Waste Management - Solid Waste Program.

Private Property Easement

Abandonment of ACP within a private property easement requires the owner/operator to file a *Notice of Waste Disposal* on all affected property deeds, stating that asbestos-containing waste materials are present. The *Notice of Waste Disposal* must be filed with the County Recorder's office, and a copy of the *Notice of Waste Disposal* must be submitted to the Division of Waste Management - Solid Waste Program.

Notice of Waste Disposal

Information such as the pipe specifications and classification, pipe size, length and depth should be included within the *Notice of Waste Disposal*. An example of the *Notice of Waste Disposal* can be found at this link <https://deq.nd.gov/Publications/WM/NoticeOfWasteDisposal.pdf>.

Contacts

Division	Phone Number
Air Quality	701.328.5188
Municipal Facilities	701.328.5211
Waste Management	701.328.5166

Construction and Environmental Disturbance Requirements

The following are the minimum requirements of the North Dakota Department of Environmental Quality for projects that involve construction and environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be prohibited against compaction, vegetation loss and unnecessary damage.

Surface Waters

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be contained to minimize silt movement, nutrient upsurges, plant dislocations, and any physical chemicals, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the department's pesticide application permit with notification to the department.

Fill Material

Any fill material placed below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds; including, but not limited to, asphalt, tires, treated lumber, and construction debris. The department may require testing of fill material. All temporary fills must be removed. Debris and solid waste must be properly disposed or recycled. Impacted areas must be restored to near original condition.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Basin Electric Power Cooperative
Pioneer Generation Station Ph IV - Williams County
Siting Application

Case No. PU-22-380

NOTICE OF FILING AND NOTICE OF PUBLIC HEARING

November 30, 2022

A Public Hearing on the application in Case No. PU-22-380 is scheduled to begin January 5, 2023, at 9:00 AM CT, at the Williston City Hall in the John Kautzman Chamber Room, 22 East Broadway, Williston, ND 58802.

On October 7, 2022, Basin Electric Power Cooperative filed an application for a certificate of site compatibility concerning the location of two 235.7 megawatt simple cycle combustion turbines, six 18.8 megawatt reciprocating internal combustion engines, and associated facilities as an addition to the Pioneer Generation Station in Williams County, North Dakota, as shown on the attached map.

The issues in the application for a certificate of site compatibility are:

1. Will construction, operation, and maintenance of the facility at the proposed location produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Is the proposed facility compatible with the environmental preservation and the efficient use of resources?
3. Will construction, operation, and maintenance of the facility at the proposed location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota, 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours in advance.

PUBLIC SERVICE COMMISSION


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